

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL W. JACKSON,

Petitioner,

vs.

SCOTT FRAKES,

Respondent.

8:20CV458

MEMORANDUM AND ORDER

This matter is before the court on case management. On November 3, 2020, the court conducted an initial review of the habeas corpus petition (filing 1) and determined the petition stated a potential due process claim. (Filing 3.) The court ordered Respondent to file a motion for summary judgment or state court records in support of an answer by December 18, 2020. However, it has come to the court's attention that the Nebraska Attorney General is not listed as an Interested Party and, thus, has not received notice of the filing of the petition or the court's November 3, 2020 Memorandum and Order. *See* Rule 4 of the *Rules Governing Section 2254 Cases in the United States District Courts* ("In every case, the clerk must serve a copy of the petition and any order on the respondent and on the attorney general . . . of the state involved."). Accordingly,

IT IS ORDERED that:

1. The clerk of the court is directed to add the Nebraska Attorney General as an Interested Party and provide a copy of this order, along with copies of the habeas petition (filing 1) and the court's November 3, 2020 Memorandum and Order (filing 3), to the Nebraska Attorney General.

2. On the court's own motion, Respondent shall have until **January 4, 2021**, to file a motion for summary judgment or state court records in support of an

answer. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **January 4, 2021**: deadline for Respondent to file state court records in support of answer or motion for summary judgment.

3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **February 3, 2021**: check for Respondents' answer and separate brief.

4. The clerk of the court is directed to terminate the prior pro se case management deadlines of December 18, 2020, and January 19, 2021.

Dated this 17th day of November, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge